

Message Text

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PAGE 01 STATE 246358

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P 162255Z OCT 75
FM SECSTATE WASHDC
TO AMEMBASSY SAN JOSE PRIORITY
AMEMBASSY NASSAU PRIORITY

C O N F I D E N T I A L STATE 246358

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LIMDIS

E.O. 11652: GDS

TAGS: PFOR, PINT, OGEN, CS, BF

SUBJECT: DEPARTMENT CONVERSATION WITH BUTOWSKY

REFERENCE: 1720

1. DEPARTMENT OFFICERS MET WITH BUTOWSKY ON OCT. 14.
AMBASSADOR WEISS SAT IN ON MOST OF THE CONVERSATION.
THIS WILL FILL IN THE DETAILS ON THE MATTER REPORTED
IN REFTTEL, BASED ON THAT CONVERSATION, AND PROVIDE
GUIDANCE ON FURTHER HANDLING. IT MAY BE NOTED IN
PASSING THAT ALTHOUGH BUTOWSKY MAINTAINS CLOSE CONTACT
WITH SEC, HE HAS NO OFFICIAL CONNECTION WITH THAT
ORGANIZATION. AS COURT-APPOINTED SPECIAL COUNSEL HE
IS AN OFFICER OF THE COURT. THIS STATUS, OF ITSELF,
DOES NOT PERMIT ANY GENERAL GUIDANCE ON DEPT. HANDLING
OF HIS REQUESTS FOR COOPERATION WHICH DEPT. WILL
CONTINUE TO HANDLE ON CASE-BY-CASE BASIS. WE DO, OF
COURSE, WISH TO COOPERATE WITH HIM TO GREATEST EXTENT
CONFIDENTIAL

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PAGE 02 STATE 246358

POSSIBLE IN HIS TASK.

2. BUTOWSKY, ON BEHALF OF INTERNATIONAL CONTROLS CORP., IS ATTEMPTING TO ENFORCE AGAINST VESCO, IN COSTA RICA, A \$2.4 MILLION JUDGMENT OBTAINED IN THE SOUTHERN DISTRICT OF NEW YORK. ALL TRIAL PROCEDURES

ARE OVER AND BOTH SIDES NOW AWAIT THE JUDGMENT OF THE COSTA RICAN COURT.

3. LAST WEEK, BUTOWSKY WAS CALLED BY HIS COSTA RICAN LAWYER, GERARDO FERNANDEZ RPT FERNANDEZ DURAN, WHO ADVISED HIM OF EXISTENCE OF LETTER SET OUT IN REFTEL. BUTOWSKY FLEW TO COSTA RICA ARRIVING LATE FRIDAY NIGHT, SPOKE TO FERNANDEZ AND CAUGHT EARLY MORNING FLIGHT OUT FOLLOWING MORNING FOR THE BAHAMAS. HE DID NOT RPT NOT CONTACT ANYONE IN AMEMBASSY COSTA RICA BECAUSE OF THE LATE HOUR OF ARRIVAL AND EARLY DEPARTURE. STATEMENT IN REFTEL THAT HE HAD SPOKEN TO CONSULAR OFFICER IN COSTA RICA APPARENTLY DUE TO MISUNDERSTANDING.

4. ALSO PRESENT AT MEETING WITH FERNANDEZ WAS EX-PRESIDENT OF COSTA RICA, MARIO ECHANDI. IT WAS ECHANDI WHO HAD OBTAINED THE COPY OF THE LETTER FROM A VERY CONFIDENTIAL SOURCE. IT ALSO WAS ECHANDI WHO HAD FACILITATED BUTOWSKY'S DEPARTURE BY LACSA ON SATURDAY MORNING, BUT FLIGHT WAS REGULAR COMMERCIAL FLIGHT AND HE WAS NOT ON ECHANDI'S PLANE.

5. BUTOWSKY CANNOT USE HIS COPY OF THE LETTER IN COSTA RICA, OF COURSE, BUT FOR HIS PURPOSES THIS IS NOT NECESSARY. SIMPLY AN OFFICIAL LETTER (OR SIMILAR DOCUMENT) FROM THE GOCB STATING THAT MARIA DE LAS MERCEDES GARCIA MARTINEZ, (THE PURPORTED HONORARY COSTA RICAN CONSUL WHO PURPORTED TO HAVE AUTHENTICATED DOCUMENTS SUBMITTED INEVIDENCE BY VESCO IN THE ICC CASE IN COSTA RICA) HAD NEVER BEEN ACCREDITED AS HONORARY CONSUL, OR AT LEAST DID NOT HOLD SUCH ACCREDITATION AT THE TIME SHE AUTHENTICATED THE DOCUMENTS, WOULD BE SUFFICIENT TO GET THE DOCUMENTS THROWN OUT

CONFIDENTIAL

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PAGE 03 STATE 246358

OF COURT -- UNLESS, OF COURSE, THEY COULD BE REAUTHENTICATED BY A VALIDLY ACCREDITED CONSUL. ADDITIONALLY, ACCORDING TO BUTOWSKY, FALSE AUTHENTICATION IS A CRIME IN COSTA RICA, AND THIS MIGHT OPEN VESCO UP TO A CRIMINAL SUIT (WHICH CAN BE BROUGHT BY A PRIVATE INDIVIDUAL IN COSTA RICA). IN THAT EVENT, AGAIN ACCORDING TO BUTOWSKY, THE PARTY BRINGING THE SUIT CAN ASK THE COURT TO APPOINT AN ADMINISTRATOR OF THE

ASSETS OF THE DEFENDANT WHICH CANNOT BE DONE IN A CIVIL SUIT. THIS, IN TURN, COULD BE USED TO FORCE DISCLOSURE OF ASSETS, OTHERWISE EXTREMELY DIFFICULT UNDER COSTA RICAN LAW.

6. WHAT ECHANDI WANTS, ACCORDING TO BUTOWSKY, IS TO CREATE THE BIGGEST POSSIBLE SCANDAL IN COSTA RICA TIMED TO DEBATE OF THE EXTRADITION BILL. FOR THIS PURPOSE REVELATION OF THE ADDERLEY LETTER WOULD BE INVALUABLE, NOT ONLY BECAUSE IT WAS PRESUMABLY ADDRESSED TO THE FOREIGN OFFICE (AND PROBABLY TO FACIO IN HIS ROLE AS FOREIGN MINISTER) BUT ALSO BECAUSE, PURSUANT TO COSTA RICAN LAW, THE FALSELY AUTHENTICATED DOCUMENTS, OR RATHER THE BONA FIDES OF THE AUTHENTICATING CONSUL, HAD TO BE AND, IN THIS CASE, WERE CERTIFIED TO BY THE FOREIGN MINISTRY.

7. COMMENT: IT OCCURRED TO US LATER, AFTER BUTOWSKY HAD LEFT, THAT GIVEN THIS LAST FACT, I.E., CERTIFICATION BY FOREIGN MINISTRY, ALL BUTOWSKY NEEDS TO PROVE, IN ORDER TO GIVE ECHANDI ALL THAT HE NEEDS, IS THAT SENORITA GARCIA WAS NEVER, IN FACT, ACCREDITED. CERTAINLY THE FOREIGN MINISTRY KNEW OR SHOULD HAVE KNOWN THAT AT TIME OF CERTIFICATION. THE ADDERLEY LETTER HAS THE ADDITIONAL FILLIP OF TYING GARCIA DIRECTLY TO VESCO, BUT THAT SHOULDN'T BE DIFFICULT TO PROVE IN OTHER WAYS.

8. CONVERSATION WITH BUTOWSKY INDICATED HIS CLEAR UNDERSTANDING OF THE DIFFERENCE BETWEEN WHAT HE NEEDS AND WHAT ECHANDI WOULD LIKE. FURTHERMORE, BUTOWSKY IS WORKING THROUGH A FRIEND IN THE BAHAMAS, RALPH SELIGMAN, TO GET FROM THE GOCB -- FROM ADDERLEY
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 246358

DIRECTLY -- THE PUBLIC STATEMENT HE NEEDS RE THE NON-ACCREDITATION OF GARCIA. HE AGREED TO WORK OUT THIS STRING AND TO ADVISE AMEMBASSY NASSAU IF HE COULD NOT RPT NOT OBTAIN THE INFORMATION HE NEEDED IN THIS WAY. IN SUCH EVENT, WE (INCLUDING AMBASSADOR WEISS) AGREED TO CONSULT WITH BUTOWSKY ON WHAT NEXT STEPS MIGHT BE.

9. WE EXPLAINED TO BUTOWSKY, WHO APPEARED TO UNDERSTAND FULLY, WHY THE USG COULD NOT ASK THE GOCB FOR A COPY OF THE ADDERLEY LETTER AND WHY HIS ASKING FOR IT PRIVATELY --WHICH WE CAN'T STOP HIM FROM TRYING -- WOULD BE A VERY DELICATE MATTER AND ONE WHICH ALMOST CERTAINLY WOULD BE ANSWERED WITH A SHARP NEGATIVE. WE ALSO EXPLAINED TO HIM THE COSTA RICAN BACKGROUND AND WHY, FOR REASONS OF U.S. RELATIONS WITH COSTA

RICA, AS WELL AS SENSITIVITIES INHERENT IN HANDLING
THE VESCO MATTER, WE WERE STRONGLY INCLINED TO AVOID
ANY PUBLIC ROLE BY THE STATE DEPT. IN THIS MATTER,
EITHER IN COSTA RICA OR EVEN IN THE BAHAMAS WHICH

WOULD PLAY BACK TO COSTA RICA. HE ALSO APPEARED TO
APPRECIATE THIS FACTOR. KISSINGER

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